IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 872 of 1998

Between:

M/s Mahadev Agro Industries, Rep. by its Authorised signatory-
Tulsi Village, Tilda, Madhya Pradesh, R.Kameswara Rao S/o

Rama Rao R/o Rayapur, Madhya Pradesh.

... PETITIONER

AND

1 The Commissioner of Prohibition and Excise
Andhra Pradesh , Hyderabad
2 Assistant Commissioner of Prohibition & Excise,
East Godavari District at Kakinada.
3 Sub-Divisional Prohibition & Excise Officer
East Godavari District, at kakinada.
4 M/s The Kirlampudi Surgar Mills Limited.
Pithapuram-533 450, East Godavari District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction, particularly one in the nature of Writ of Mandamus, declaring that the demand of Administrative Charges at the rate of Rs. 25/- per Metric Tonne on Molasses purchased and transported within and outside the State of Andhra Pradesh and the insistance on taking on Escort with each tanker lorry transporting Molasses by the petitioner are illegal and without jurisdiction apart from being violative of Art. 19(1) (g) of the Constitution of India.

Counsel for the Petitioner: MR.E.MARUTHI RAJA

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court made the following:

ORDER:

It is represented by the learned counsel for the petitioner and admitted to by the learned Government Pleader for Prohibition and Excise that the subject matter in this writ petition is squarely covered by a Division Bench judgment of this Court dated 08-05-2001 in W.A.No.2209 of 1998 and batch, wherein it was held. –

> "In view of what is stated above, while we uphold the argument that the State is not debarred from making any legislation with regard to the molasses, we hold that since no such legislation has been made by the State of A.P., regarding the subject of molasses, the impugned orders of the respondents are unconstitutional, illegal and nonest.
>
> Accordingly, the Writ Appeals are dismissed and the Writ Petitions are allowed".

2. Recording the above submission and following the ratio in the aforementioned judgment, this Writ Petition is also allowed. Office is directed to annex a copy of the judgment in W.A.No.2209 of 1998 and batch, dated 08-05-2001, to this order. No costs.

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N.V. RAMANA, J

February 16, 2005

MRR/KSR

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this the sixteenth day of February Two thousand and five.

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Copy to:

1 The Commissioner of Prohibition and Excise
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5 Two C.C. s to the G.P. for Prohibition and Excise, High Court

Buildings, Hyderabad (OUT)

6 Two C.D. Copies.

{Enclosed along with a copy of judgment in W.A.No.2209 of 1998 and batch dated 08-05-2001}